

Federal Communications Commission  
CC Docket 96-146

Reply Comments of Adelle Simpson/Brierfield Consulting, Inc.

The Pilgrim Telephone, Inc. ("Pilgrim")<sup>1</sup> dated 12 May 2003 indicate that it, as a pay-per-call provider, believes that the 900 number platform's usefulness for billing premium rate services has passed due to reduced availability of 900 number billing, reduced availability of 900 service, increases in the cost of 900 services, increase in the cost of 900 number billing, the lack of support for 900 services by CLEC's and the lack of support for 900 services by cellular carriers. I agree with this position and believe that it supports my previous assertion that the FCC has failed to regulate of 900 service so that a viable business is created.

Pilgrim also requests that the Commission craft rules establishing requirements for pay per call services are neutral with respect to the content of communications provided by those services.<sup>2</sup> I agree with this request. It is consistent with the comments made by Joseph G Dicks on behalf of HFT, Inc., LO-AD Communications, TBI and Global Charge ("HLTG")<sup>3</sup> regarding free speech. MicroVoice Applications, Inc. ("MVA") notes that it provides pay-per-call services for Fortune 500 companies that range from Technical Support to Crossword Puzzle Clue Lines<sup>4</sup> which clearly shows that not all pay-per-call applications involve adult services. HLTG presents this argument again by noting that the First Amendment prohibits the Commission from favoring one information provider over another based upon the content of the message<sup>5</sup>.

AT&T Wireless Services, Inc. (AWS)<sup>6</sup> completes its entire comments without disclosing that it has arbitrarily refused to allow its customers access to 900 services. The failure of AWS, other cellular carriers, cable companies, broadband companies and CLEC's to offer access to 900 services is clearly discriminatory to the major ILEC's and IXC's as well as 900 service information providers. The FCC has failed to keep current with changes in telecom technology and market forces in regard to 900 services. As consumers migrate from Wireline to Wireless services, they lose all access to 900 services including the Passport 900 Service offered by the US Government. This same situation is true for customers who choose alternative local access providers.

Although AT&T Corp. chose not to mention in its comments<sup>7</sup> that it has notified its customers of its intent to stop providing 900 services as of 31 December 2003, it was noted by the Network for Online Commerce ("NOC")<sup>8</sup>. If there is any need to further note the failure of the 900 industry, this action by AT&T clearly shows that a carrier that formerly carried hundreds of million of minutes of 900 service now believes the service not to be viable.

AT&T's calls for the Commission to include international services in its prohibition of "improper remuneration" between carriers and IP's<sup>9</sup> is quite interesting in light of the fact that AT&T actively engaged (1991 through 1997) in paying IP's to advertise in non US locations US plain old telephone service (POTS) numbers that carried information

services in order to increase the number of inbound international minutes entering the US via AT&T. AT&T's desire was to change the inbound/outbound ratio of international minutes to reduce the amount of settlements it was paying out to non-US carriers. Now that AT&T has other means to reduce its international settlement rates, it has taken a position against the very service it offered in detriment to non-US carriers. It should be noted that AT&T did not adjust its inbound international minute reports to reflect a reduction for any minutes that a non-USA carrier could not collect from its callers.

AT&T's reply comments note that I refer to OFTEL and ICTIS creation of a "legitimate and profitable" pay-per call industry<sup>10</sup> but then confuse the term pay-per-call with the sharing of settlement rates by non-UK carriers with IP's. The UK does permit the sharing of settlement rates by non-UK carriers with IP's. OFTEL has not attempted to regulate carriers outside its borders. OFTEL does prohibit UK carriers from sharing termination fees for 070 personal services with IP's. I was referring to the actual UK premium rate industry based on "designated ranges of pay-per-call numbers" for which services the current uncollectible rate is less than 3 %. Again I say that is a shame that the FCC, FTC and the US telecom industry cannot regulate and implement pay-per-call regulations in a fashion that would provide US consumers with services they choose to pay for at a price and collection rate that would enable all entities involved in the process to make money.

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Footnotes.

1. “Comments of Pilgrim Telephone, Inc.” (Pilgrim), Walter Steimel, Jr, Tracie Chesterman, Attorneys for Pilgrim Telephone, Inc., p. 2.
2. Pilgrim, p. 4.
3. “Comments of HFT, Inc., LO-AD Communications, T.B.I. and Global Charge (“HLTG”), Joseph G. Dicks, Attorney for , Inc., LO-AD Communications, T.B.I. and Global Charge, p.5.
4. Letter of Michael James, Vice President, MicroVoice Applications, Inc. (“MVA”), 7 May 2003, p. 1.
5. HLTG, p. 7.
6. “Comments of AT&T Wireless Services, Inc.” (“AWS”, Howard J. Symons, Michelle Mundt, Susan S. Ferrel, Counsel for AWS, Douglas I. Brandon, pp. 1 – 12.
7. “Further Comments of AT&T”, Richard A. Rocchini, Lawrence J. Lafaro, Peter H. Jacoby, Attorneys for AT&T Corp. (“AT&T”), 12 May 2003, pp. 1 – 11.
8. “Comments of Network for Online Commerce (NOC)”, Roy Ellyatt, 12 May 2003, p.8
9. AT&T, p. 10.
10. “Further Reply Comments of AT&T”, Richard A. Rocchini, Lawrence J. Lafaro, Peter H. Jacoby, Attorneys for AT&T Corp. (“AT&T”), 27 May 2003, p. 6.